

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**CITYNET, LLC, on behalf of
United States of America,**

Plaintiff,

v.

Case No.: 2:14-cv-15947

**FRONTIER WEST VIRGINIA, INC.,
et al.,**

Defendants.

MEMORANDUM OPINION AND ORDER
SEALING RESPONSE AND EXHIBITS

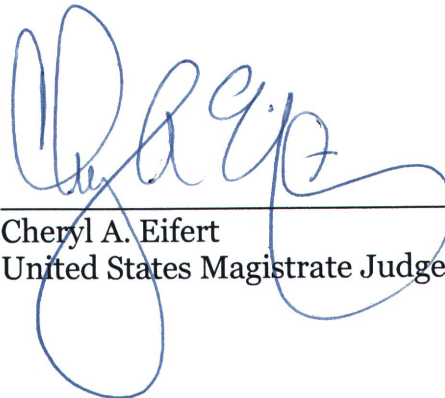
Pending before the Court is Plaintiff Citynet, LLC'S Motion for Leave to File Under Seal (ECF No. 238), requesting its Response in Opposition to Defendants' Motion for Protective Order along with attached exhibits 1, 2, 3, 4 and 6, be filed as sealed. The Court notes that the attached Response and cited exhibits contain confidential information. Due to the confidential nature of this information, this Court **GRANTS** Plaintiff's motion to seal and **ORDERS** the Clerk to seal Plaintiff's Response and attached exhibits 1, 2, 3, 4, and 6. (ECF Nos. 238-1 through 6). The Motion itself, (ECF No. 238), should not be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3)

provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the response and attached exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the response and attached exhibits does not unduly prejudice the public's right to access court documents. Accordingly, the Clerk is **DIRECTED** to file the Response and Exhibits 1, 2, 3, 4 and 6, (ECF No. 238-1 through 6) under seal; strike ECF No. 240, and refile Exhibits 5 and 7 on the public docket.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: March 22, 2022



Cheryl A. Eifert
United States Magistrate Judge